



# Levin-Richmond Terminal Corporation

402 Wright Avenue, Richmond, California 94804

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November 1, 2005

BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Lynne Seur  
Environmental Protection Agency – Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

Re: United Heckathorne Site, Levin Consent Decree  
Notice Pursuant to Section 2.02 of the Covenant To Restrict Use of Property

Dear Ms. Seur,

The Levin Enterprises, Inc., and its wholly owned subsidiary Levin Richmond Terminal Corporation, have entered into an agreement with Eagle Rock Aggregates, Inc. to lease approximately five acres of the western uplands portion of the Parr Canal property (CCC 560-280-011-1) for the purpose of constructing facilities for conveying, unloading, storing, and reloading on trucks or trains of dry bulk cargo consisting of sand and construction aggregates from vessels. The location of the proposed facilities is attached as Exhibit "A". The facility, shoreline, and underwater sediments will continue to be maintained by Levin Richmond Terminal Corporation. The lease shall commence on January 1, 2006 for a term of twenty (20) years with two (2) additional option terms of ten (10) years each.

The development of the leased property shall be commercial/industrial in nature with no residency permitted on the property as noted in the deed restriction; a copy of which has been incorporated into the lease and delivered to the lessee. The project was recently approved by the City of Richmond and BCDC.

The site has previously been capped with concrete and asphalt. Any incursion through the cap, for the installation of utilities or piles shall be kept to a minimum and the cap resealed. Any soil required to be removed from the site shall be handled in accordance with all governing covenants, restrictions and laws.

The Levin Richmond Terminal Corporation believes that this is the best possible use of the land and will keep the cap intact, continuously inspected, and repaired for the full time of the lease.

This notice is being given pursuant to section 2.03 of the Covenant to Restrict Use of Property recorded on August 2, 1996 at 96-145362 of Contra Costa County Records.

Please do not hesitate to contact me if you have any questions regarding the leaser of a portion of this parcel to Eagle Rock Aggregates, Inc.

Best regards,

A handwritten signature in cursive script that reads "Gary M. Levin".

GARY M. LEVIN, CEO  
LEVIN ENTERPRISES, INC.  
LEVIN RICHMOND TERMINAL

Enclosure

cc:

Mr. John Lyons, Esq.  
Office of Regional Council  
Environmental Protection Agency – Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

